

MARTIN | BAUGHMAN

MEMO ENCL 2021

Laura J. Baughman  
Partner  
3141 Hood Street  
Suite 600  
Dallas, Texas 75219

O (214) 761 6614  
F. (214) 744 7590  
[lbaughman@martinbaughman.com](mailto:lbaughman@martinbaughman.com)  
[martinbaughman.com](http://martinbaughman.com)

November 11, 2021

via ECF

Hon. Kenneth M. Karas  
United States District Judge  
Southern District of New York  
The Hon. Charles L. Brieant Jr.  
Federal Building and United States Courthouse  
300 Quarropas St.  
White Plains, NY 10601-4150

RE: ***Barbara Petro v. C. R. Bard Inc. et ano.* (7:19-cv-08480-KMK)**  
***Shirley Whaley v. C. R. Bard Inc. et ano.* (7:19-cv-08524-KMK)**

Dear Judge Karas:

On behalf of plaintiffs Barbara Petro and Shirley Whaley (“Plaintiffs”) and defendants C. R. Bard, Inc. and Bard Peripheral Vascular, Inc. (collectively, “Bard”) (all, collectively, the “Parties”) in the above-referenced matters, the Parties submit this joint letter to respectfully request a temporary stay of these two cases and all upcoming deadlines. The Parties have reached an inventory settlement agreement in principle that will resolve a substantial number of cases throughout the country, including Plaintiffs’ claims in this lawsuit.<sup>1</sup> The Parties are in the process of finalizing the details of the settlement. Accordingly, the Parties jointly move the Court to continue all deadlines and hearings and to stay this case for ninety (90) days as the Parties complete the operative settlement documents and finalize the settlement process during this period of time.

As discussed in previous filings, these cases are two of thousands of cases remanded across the country from the *In Re: Bard IVC Filters Products Liability Litigation MDL*, MDL 2641, in Phoenix, Arizona. Plaintiff’s undersigned counsel represents a substantial number of the remanded plaintiffs in this and other courts across the country.

The Parties are working diligently toward finalizing the master settlement agreement and the other settlement documents necessary to complete the settlement process as well as the creation of a qualified settlement fund and those actions necessary for allocation, funding, and distribution

---

<sup>1</sup> It is possible that any single case could be subject to an opt out, including this case, but the probability of an opt-out occurring as a percentage of the whole is minimal.

Hon. Kenneth M. Karas  
November 11, 2021  
Page 2

of settlement proceeds. Given that this settlement is being structured as an inventory settlement involving a substantial number of other cases, the parties anticipate the process may take ninety (90) days to complete.

Accordingly, the Parties request that the Court enter a stay of these two cases for ninety (90) days pending Plaintiffs' dismissal. If Plaintiffs have not filed dismissal papers within ninety (90) days from the stay being granted, the Parties request the opportunity to file a joint status report regarding the status of the settlement.

Granted, but the Court will not grant anything further such applications.

So Ordered.

  
11/11/21

Respectfully submitted,

**MARTIN BAUGHMAN, PLLC**

/s/ Laura J. Baughman  
Laura J. Baughman, Esq.  
NY Bar No. 4173399  
*Counsel for Plaintiffs*

LJB/hl

cc: All counsel of record (*via ECF*)